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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,049	11/12/1999	MICHAEL AARON KAPLY	AT9-99-140	1177

7590 05/24/2004  
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EXAMINER

LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
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2178

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DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/439,049

Applicant(s)

KAPLY ET AL.

Examiner

Matthew J. Ludwig

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-34, 36-38 and 40-53, 55-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 60 is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-34, 36-38 and 40-53, 55-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to communications: Amendment C filed 3/4/04.
2. The rejection of claims 1, 2, 6, 8, 11-16, 20, 21, 25, 27, 30-35, 39, 40, 44, 46, 49-54, 58, and 59 under 35 U.S.C. 103(a) as being unpatentable over Emens have been withdrawn as necessitated by the amendment.
3. Claims 20, 35, 39, and 54, have been cancelled in the application.
4. Claims 1-19, 21-34, 36-38, 40-53, 55-60 are pending in the case. Claims 58, 59, 60, 61, 62, and 63, are independent claims.

#### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 61, 62, 63, 8-13, 27-34, 41-53, 55-57, 58, and 59, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al., U.S. Patent Number 6,501,472 filed (3/6/98). In reference to independent claims 61, 62, and 63, Hunt teaches:**

The client processing initially requests a graphical image from the server. A handshaking method is described that allows communication between a first process (the client) and a second process (the server) in preparation for the retrieval of displayable data. See column 7, lines 9-20. As presently claimed, the first process and second process do not preclude the Examiner from utilizing the client/server handshaking techniques of Hunt to suggest similar events.

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A decision determines whether the customization flag is set at the client. If the decision determines that the customization flag is set, then image control data is sent from the client to the server. See column 9, lines 40-57. The reference provides a reasonable suggestion of a resolution to the request for image data as described by the handshaking techniques of the image data requests.

The reference does not explicitly state, "transmitting a request for additional information relating to the request for data from the first process to the second process; however, the request from the client to the server suggest two distinct request related to each other. The first request is a capabilities query related to the image and following the handshaking method a customization flag is set and another request is made to retrieve the customized image data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the handshaking techniques of Hunt and utilized the distinct image data requests to provide additional information similar to that of the request for the actual customized image data thus enabling graphical images files to be transmitted more flexibly and efficiently.

**In reference to dependent claims 8-13, 27-34, Hunt teaches:**

The client processing initially requests a graphical image from the server. A handshaking method is described that allows communication between a first process (the client) and a second process (the server) in preparation for the retrieval of displayable data. See column 7, lines 9-20. As presently claimed, the first process and second process do not preclude the Examiner from utilizing the client/server handshaking techniques of Hunt to suggest similar events.

A decision determines whether the customization flag is set at the client. If the decision determines that the customization flag is set, then image control data is sent from the client to the

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server. See column 9, lines 40-57. The reference provides a reasonable suggestion of a resolution to the request for image data as described by the handshaking techniques of the image data requests. Hunt further teaches the image processing is utilized by the server machine to customize the images. Namely, the data associated with a graphical image file is customized in a manner such that image quality versus size can be controlled. See column 8, lines 30-36.

In reference to claims 41-53, 55-57, the claims reflect the computer program product comprising computer instructions used for performing the methods as claimed in claims 1-18, and in further view of the following, is rejected along the same rationale.

In reference to claims 58 and 59, the claims recite similar limitations to those of claim 61, and in further view of the following, is are rejected along the same rationale.

**7. Claims 2-7, 14-19, 21-26, 36-38, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt as applied to claim 61, 62, and 63 above, and further in view of Mast, USPN 5,881,287 filed (3/25/97).**

**In reference to dependent claims 2, 21, 40, Hunt teaches:**

The customization of images, namely the data associated with a graphical image file is customized in a manner such that image quality versus size can be controlled. The reference does not explicitly teach a modified version of protected data based upon the protected data request. However, Mast teaches a resolution to the request for protected data is resolved through the utilization of software routines and replaced with a specified pattern or message. The reference provides a proficient suggestion of modifying images based on a resolution to prevent the transfer of protected data. It would have been obvious to one of ordinary skill in the art, having

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the teachings of Hunt and Mast before him at the time the invention was made, to modify the resolution method taught by Hunt to include the image protection techniques of Mast, because the control of image data would have given the enhanced applications at the end user's system.

**In reference to dependent claims 3, 22, 23, 36, Hunt teaches:**

The customization of images, namely the data associated with a graphical image file is customized in a manner such that image quality versus size can be controlled. The reference does not explicitly teach a modified version of protected data based upon the protected data request. However, Mast teaches a resolution to the request for protected data is resolved through the utilization of software routines and replaced with a specified pattern or message. Mast further discloses areas in a destination region that correspond to the source region from which no source data was copied are then filled with any pattern or distorted in some way to indicate that those regions correspond to protected images. See column 9, lines 55-67. The reference provides a proficient suggestion of modifying images based on a resolution to prevent the transfer of protected data. It would have been obvious to one of ordinary skill in the art, having the teachings of Hunt and Mast before him at the time the invention was made, to modify the resolution method taught by Hunt to include the image protection techniques of Mast, because the control of image data would have given the enhanced applications at the end user's system.

**In reference to dependent claims 4, 24, 37, 38, Hunt teaches:**

The customization of images, namely the data associated with a graphical image file is customized in a manner such that image quality versus size can be controlled. The reference does not explicitly teach a modified version of protected data based upon the protected data request. However, Mast teaches a resolution to the request for protected data is resolved through the

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utilization of software routines and replaced with a specified pattern or message. Mast further discloses areas in a destination region that correspond to the source region from which no source data was copied are then filled with any pattern or distorted in some way to indicate that those regions correspond to protected images. See column 9, lines 55-67. The reference provides a proficient suggestion of modifying images based on a resolution to prevent the transfer of protected data. It would have been obvious to one of ordinary skill in the art, having the teachings of Hunt and Mast before him at the time the invention was made, to modify the resolution method taught by Hunt to include the image protection techniques of Mast, because the control of image data would have given the enhanced applications at the end user's system. **In reference to dependent claims 5, 6, 7, 14-19, 25, 26, Hunt teaches:**

The customization of images, namely the data associated with a graphical image file is customized in a manner such that image quality versus size can be controlled. The reference does not explicitly teach a modified version of protected data based upon the protected data request. However, Mast teaches a resolution to the request for protected data is resolved through the utilization of software routines and replaced with a specified pattern or message. See column 10, lines 64-67. The reference provides a proficient suggestion of modifying images based on a resolution to prevent the transfer of protected data. It would have been obvious to one of ordinary skill in the art, having the teachings of Hunt and Mast before him at the time the invention was made, to modify the resolution method taught by Hunt to include the image protection techniques of Mast, because the control of image data would have given the enhanced applications at the end user's system.

***Allowable Subject Matter***

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8. Claim 60 is allowed.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-63 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 703-305-8043. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML  
May 13, 2004

  
JOSEPH FIELD  
SUPERVISORY PATENT EXAMINER